

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION - CINCINNATI**

UNITED STATES OF AMERICA,	:	Criminal Case No. 1:19-cr-68
	:	Civil Case No. 1:23-cv-669
Plaintiff,	:	
v.	:	Judge Matthew W. McFarland
	:	Magistrate Judge Michael R. Merz
MARCUS PHOENIX,	:	
	:	
Defendant.	:	

ENTRY AND ORDER ADOPTING REPORT AND RECOMMENDATION (Doc. 82)

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Michael R. Merz (Doc. 82), to whom this case is referred pursuant to 28 U.S.C. § 636(b). Noting that no objections have been filed and the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, the Court hereby **ADOPTS** said Report and Recommendation in its entirety.

Accordingly, the Court **ORDERS** the following:

1. Defendant's Motion to Vacate (Doc. 68) is **DENIED WITH PREJUDICE**; and
2. The Court **CERTIFIES**, pursuant to 28 U.S.C. § 1915(a), that any appeal of this Order would not be taken in good faith and that Plaintiff should be denied leave to appeal *in forma pauperis*.

IT IS SO ORDERED.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

By: 
JUDGE MATTHEW W. McFARLAND